

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In Re:) Case No. 19-45962-659
)
Christopher & Brittney)
Robotham,) Chapter 13
)
Debtors-Movants,) Debtors' Motion to Retain
) Settlement Funds
vs.)
)
DIANA S. DAUGHERTY.,) Motion # _____
Respondent.)

**DEBTORS' MOTION TO APPROVE SETTLEMENT AND TO RETAIN SETTLEMENT
FUNDS**

PLEASE TAKE NOTICE: ANY RESPONSIVE PLEADING IN OPPOSITION MOTION/PLEADING MUST BE FILED IN WRITING NO LATER THAN TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE OF THIS MOTION/PLEADING AS SHOWN ON THE CERTIFICATE OF SERVICE. (SEE L.B.R. 9013-1B., 9061-1 B.) THE RESPONSE MUST BE IMMEDIATELY SERVED UPON THE UNDERSIGNED AND UPON ALL ENTITIES DESCRIBED IN L.B.R. 9013-1 A. THE COURT MAY GRANT THE MOTION UPON EXPIRATION OF THE RESPONSE PERIOD IF NO RESPONSE IS FILED.

IF A RESPONSE IS FILED, THE MOVANT, APPLICANT OR CLAIM OBJECTOR SHALL SET THE MATTER FOR HEARING AND PROVIDE NOTICE THEREOF TO THE RESPONDENT AND ALL ENTITIES DESCRIBED IN L.B.R. 9013-1 A.

Comes now Debtors, Chistopher and Brittney Robotham, by and through their attorney, pursuant to Local Rule 9013-1, and move this Honorable Court to approve the settlement of the Debtor's Fair Debt Collection Practices Act Claim, and to allow Debtors to retain settlement funds, and as grounds for said motion, state as follows:

1. That this Court has jurisdiction under the provisions of 28 U.S.C. sections 1334, 151, 157(a).

2. That by virtue of 28 U.S.C. section 157(b)(2)(E) this is a core proceeding.

3. Debtors filed this Chapter 13 case with the Court on September 24, 2019.

4. Debtors' plan was ordered confirmed on February 20, 2020.

5. On February 21, 2020, Debtor Chris Robotham filed a lawsuit for alleged violations of the Fair Debt Collection Practices Act allegedly occurring on or about October 31, 2019, in the case *Chris Robotham v. Recovery Management Solutions, LLC*, Saint Louis County Circuit Court, Associate Division case number 20SL-AC05838.

6. Debtor was represented by the undersigned law firm, Pontello & Bressler, LLC in the aforementioned claim.

7. Debtor has reached a settlement agreement with the alleged tortfeasor, in the amount of \$3,500.00.

8. Pursuant to the retainer agreement between Debtor and Pontello & Bressler, LLC, Debtor is to receive the first thousand dollars, which is the maximum amount of statutory damages available under the FDCPA § 1692(k), minus the costs of the case, with the remaining settlement balance to go to attorney's fees.

9. Pontello & Bressler, LLC expended a total of \$55.25 in costs in bringing the claim, comprised of court filing costs.

10. Thus, under the terms of the retainer agreement between Debtor and Pontello & Bressler, LLC, Debtor is to receive settlement proceeds in the amount of \$944.75.

11. Pontello & Bressler, LLC is in possession of the settlement funds, in the amount of \$3,500.00, held in trust.

12. The Debtors desire to keep the \$944.75 of settlement proceeds to help pay for necessary home repairs. (See attached statement).

13. Approving the settlement agreement and allowing Debtors to retain settlement funds will not be to the detriment of any of the Debtors' Chapter 13 creditors.

WHEREFORE, Debtors pray this Court enter an Order granting Debtors' Motion to Approve Settlement and to Retain Settlement Funds, and for such other relief as the Court deems necessary and proper.

RESPECTFULLY SUBMITTED,

PONTELLO & BRESSLER, LLC

/s/Dominic Pontello
Dominic M. Pontello, 60947MO
406 Boones Lick Rd.
St. Charles, MO 63301
(636) 896-4170
(636) 246-0141 Fax
dominic@pontellolaw.com

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of Debtors' Motion to Approve Settlement and to Retain Settlement Funds was mailed to all parties who have NOT BEEN ELECTRONICALLY NOTIFIED, including the Debtors, this 6th Day of August, 2020.

/s/ Dominic Pontello

Mrs. Diana S. Daugherty. (via ecf only)
Chapter 13 Trustee
P.O. Box 430908
St. Louis, Missouri 63143

Christopher and Brittney Robotham
33 E. Cardigan Dr
St. Louis, MO 63135

All creditors on the attached matrix.

/s/ Dominic Pontello
Dominic Pontello

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DIANA S. DAUGHERTY.,) Motion # _____
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EXHIBIT SUMMARY

Pursuant to L.R. 9040-1, the following exhibits are referenced in support of Debtors' Motion to Approve Settlement and Retain Settlement Funds. Copies of these exhibits will be provided as required by Local Rules:

1. Work Estimate from St. Louis Roofing & Exteriors in the amount of \$1,775.00 for the repair of a patio roof and sagging decking.

RESPECTFULLY SUBMITTED,

/s/Dominic Pontello
Dominic M. Pontello, 60947MO
406 Boones Lick Rd.
St. Charles, MO 63301
(636) 896-4170
(636) 246-0141 Fax
dominic@pontellolaw.com

7/29/2020

Estimate for Chris Robotham of 29 Jul 2020.pdf



314-244-3799

www.stlroof.com

11150 Lindbergh Business Ct
Ste. 111 St Louis, MO 63123

The Roofers that Call You Back

Customer: Chris Robotham

Address: 33 E Cardigan Dr, Ferguson, MO 63135,
USA

Date: 29-Jul-2020

Email: chris.robotham@gmail.com

Qty	Unit	Item name	Unit price	Subtotal
1	EA	Repair patio roof and sagging decking	\$1,775.00	\$1,775.00
		Subtotal		\$1,775.00
		Total		\$1,775.00

We Propose hereby to furnish material and labor - complete in accordance with above specifications.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. St. Louis Roofing & Exteriors is authorized to do the work as specified. Payment will be made as outlined above. All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation insurance. The terms and specifications stated herein and special conditions page are hereby accepted.

Signature: _____

Date: _____

Account Resolution Cor
700 Goddard Ave
Chesterfield, MO 63005

Fed Loan Serv
Po Box 60610
Harrisburg, PA 17106

Americollect Inc
Po Box 1566
Manitowoc, WI 54221

Fedloan
Po Box 60610
Harrisburg, PA 17106

Amex
Po Box 297871
Fort Lauderdale, FL 33329

I.C. System, Inc
Po Box 64378
Saint Paul, MN 55164

Ar Resources Inc
1777 Sentry Pkwy W
Blue Bell, PA 19422

Illinois Department of Revenue
101 W Jefferson St
Springfield, IL 62702

Arsenal Credit Union
3780 Vogel Rd
Arnold, MO 63010

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

Capital One Bank Usa N
15000 Capital One Dr
Richmond, VA 23238

Jpmcb Card
Po Box 15298
Wilmington, DE 19850

Commerce Bk
Po Box 411036
Kansas City, MO 64141

Kay Jewelers
PO Box 740425
Cincinnati, OH 45274

Consumer Adjustment Company
12855 Tesson Ferry Rd
Saint Louis, MO 63128

Kay Jewelers
375 Ghent Rd
Fairlawn, OH 44333

Convergent Outsourcing
800 Sw 39th St
Renton, WA 98057

Kay Jewelers/Genesis
15220 Nw Greenbrier, Ste
Beaverton, OR 97006

Direct TV
PO Box 105503
Atlanta, GA 30348

Macys/Dsnb
Po Box 8218
Mason, OH 45040

Discover Fin Svcs Llc
Po Box 15316
Wilmington, DE 19850

Mca Mgmnt Co
2797 High Ridge Bl
High Ridge, MO 63049

Enhanced Recovery Co L
8014 Bayberry Rd
Jacksonville, FL 32256

Medical Payment Data
PO Box 94498
Las Vegas, NV 89193-4498

Miller & Steeno, PC
11970 Borman Dr
Saint Louis, MO 63146

Vantage Credit Union
4020 Fee Fee Rd
Bridgeton, MO 63044

Missouri Department of Revenue
301 W High St
Jefferson City, MO 65101

Verizon Wireless
Po Box 650051
Dallas, TX 75265

Missouri Department of Revenue/Bankruptcy Uni
P.O. Box 475
301 W. High Street
Jefferson City, MO 65105-0475

Wakefield & Associates
7005 Middlebrook Pike
Knoxville, TN 37909

Mohela/Sofi
633 Spirit Dr
Chesterfield, MO 63005

Oneadvantage
7650 Magna Drive
Belleville, IL 62223

PayPal Credit
2211 North First Street
San Jose, CA 95131

Quicken Loans
1056 Woodward Ave
Detroit, MI 48226

Royal Furn
Po Box 3784
Memphis, TN 38103

U S Dept Of Ed/Gsl/Atl
Po Box 4222
Iowa City, IA 52244

US Attorney - Eastern District of Missouri
Thomas Eagleton U.S. Courthouse
111 S. 10th Street, 20th Floor
Saint Louis, MO 63102

Us Dep Ed
Po Box 5609
Greenville, TX 75403

Us Dept Ed
Po Box 7202
Utica, NY 13504-7202